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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,219	12/03/2003	Brian John Roberts	12406/88	7993

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NEW YORK, NY 10004

EXAMINER

KARKHANIS, AASHISH

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/728,219	Applicant(s) ROBERTS, BRIAN JOHN	
	Examiner Aashish Karkhanis	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7,9-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/3/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 7, 9 – 22 and 24 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye (U.S. Patent 5,569,082) as applied to claims 1, 9 and 12 in view of Roberts (U.S. Patent 5,772,510).

Regarding Claim 1, Kaye discloses a lottery gaming system including a lottery ticket having a bar code, an interactive game information, and a removable portion concealing an instant game information (col. 2, lins. 9 – 23) and an input device to receive an indication from a player indicating the player's choice to participate in an interactive game (col. 4, lins. 53 – 57), a central computer system in communication with the lottery ticket dispenser and to receive from the lottery ticket dispenser the indication received from the player (col. 4, lins. 47 – 52), and a computer remote from and in communication with the central computer system, the computer being utilized by the player to play the interactive game with the central computer system based on the interactive game information (col. 5, lins. 62 – 65; where an on-line system assists with verifying and playing destiny code systems). Kaye does not disclose lottery ticket bar code readers. However, Roberts teaches a lottery ticket dispenser having a bar code reader to read the bar code on the lottery ticket prior to the lottery ticket being

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dispensed from the dispenser (col. 3, lins. 63 – 67; col. 4, lins. 1 – 9), for increased security and improved ticket tracking. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the lottery and interactive game system using tickets of Kaye with the bar coded tickets of Roberts in order to increase security and inventory tracking of lottery game tickets.

Regarding Claims 4, 9 – 10, 12, 18 – 21 and 26, Kaye discloses a method of conducting a lottery including accepting a payment from a player (col. 4, lins. 44 – 45), processing the player's selection of a lottery ticket, the lottery ticket including a bar code, an interactive information required by the player in playing an interactive game and a removable portion concealing an instant game information (col. 1, lin. 25; col. 4, lins. 45 – 47; where a scratch off portion may be applied to cover a destiny code), generating an interactive game information associated with the bar code (col. 4, lins. 45 – 47), initiating the interactive game information on the lottery ticket (col. 4, lins. 62 – 65), dispensing the lottery ticket to the player, receiving an indication from the player indicating the player's choice to participate in the interactive game (col. 4, lins. 43 – 47), redeeming the lottery ticket for a prize if the lottery ticket is an instant game winner (col. 3, lins. 1 – 3), accessing the internet with the interactive game information, and playing the interactive game via the internet (col. 9, lins. 1 – 3; where an on-line component for games is used, which may include the Internet), wherein the interactive game information includes an access code to be utilized by the player for playing the interactive game, and an address to be utilized by the player for accessing the central computer system (col. 3, lins. 16 – 21; where a Destiny Code both provides access for

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game play and an address to communicate with a central system). Kaye does not disclose lottery ticket bar code readers. However, Roberts teaches reading the bar code from the lottery ticket (col. 3, lins. 63 – 67; col. 4, lins. 1 – 9), for increased security and improved ticket tracking. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the lottery and interactive game system using tickets of Kaye with the bar coded tickets of Roberts in order to increase security and inventory tracking of lottery game tickets.

Regarding Claims 2 and 15, Kaye discloses a method wherein the accepting, processing, reading and dispensing are performed at least in part by an automated ticket dispenser and wherein the lottery ticket dispenser includes a printer to print the interactive game information on the lottery ticket (col. 4, lins. 47 – 52).

Regarding Claim 3, Kaye discloses a lottery gaming system wherein the computer is in communication with the central computer system via the internet (col. 9, lins. 1 – 3; where an on-line component for games is used, which may include the Internet).

Regarding Claims 7, 13, 17 and 25, Kaye discloses a lottery gaming system wherein the interactive game information is pre-printed on the lottery ticket and activated in response to a transmission of the bar code to the central computer system (col. 3, lins. 5 – 12; col. 4, lins. 41 – 56; where a destiny code is preprinted on a card and taken to an interactive game machine for playing, and where a destiny code may be printed as a bard code, as is well known and established in the art).

Regarding Claims 5, 14 and 16, Kaye discloses a lottery gaming system wherein the computer is remote from the lottery ticket dispenser, and wherein the computer is incorporated into the lottery ticket dispenser (col. 4, lins 47 – 52; where Destiny Codes could be generated locally or with a central computing system).

Regarding Claim 11, Kaye discloses a lottery ticket, but does not disclose a specific method of storing lottery tickets. However, Roberts teaches a lottery ticket wherein the lottery ticket is releasably coupled by lines of weakness to additional lottery tickets in a fan fold stack of lottery tickets (col. 3, lins. 29 – 30), to organize tickets for dispensing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the lottery and interactive game system using tickets of Kaye with the fan folded tickets of Roberts in order to more conveniently and quickly distribute tickets to players.

Regarding Claim 22, Kaye discloses a method including crediting an account of the player if the player wins the interactive game (col. 1, lins. 32 – 27; where a player account is updated based on all statistical data, including wins).

Regarding Claim 24, Kaye discloses a lottery gaming system wherein the communication between the central computer system and the lottery ticket dispenser and the communication between the central computer system and the computer are encrypted (col. 3, lins. 4 – 15; where secure methods such as encryption may be provided for a network).

Response to Arguments

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Applicant's arguments with respect to claims 1 – 7, 9 – 22 and 24 – 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,582,324: Interactive Lottery System.

U.S. Patent 4,652,998: Interactive Lottery System.

U.S. Patent 5,709,603: Interactive Lottery System.

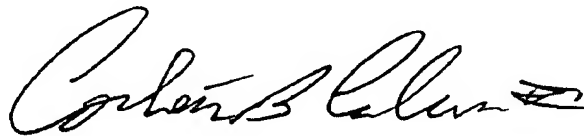
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn" with a stylized flourish at the end.

**CORBETT B. COBURN
PRIMARY EXAMINER**